

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
January 26, 2009

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, 6120 Broadway, at 5:30 p.m. on Monday, January 26, 2009.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Jill Souter  
Councilman Stan McCormick  
Councilman Bobby Rosenthal  
Councilman Bill Kiel  
Councilwoman Susan Harwell

Also attending were:

Assistant City Manager/Public Works Director Shawn P. Eddy  
City Attorney Mike Brennan  
Assistant to City Manager/Information Technology Manager Marian Ramirez  
Community Development Director Ann McGlone  
Human Resources Manager/Deputy City Secretary Judith E. Surratt  
Fire Chief Bill Hagendorf  
Police Chief Rick Pruitt

Absent were:

City Manager Rebecca Waldman  
Finance Director Cynthia Barr

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Mayor Louis Cooper opened the meeting at 5:33 p.m. and asked City Council for any corrections to the minutes of the January 12, 2009, City Council Meeting. Councilman Bobby Rosenthal requested an amendment. A motion was made by Councilwoman Susan Harwell to approve the minutes as revised. The motion was seconded by Councilman Stan McCormick and passed by unanimous vote.

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Citizens To Be Heard Concerning Non-Agenda Items

Margaret Houston, 140 Patterson Avenue, said that she would like to see more communication from the City regarding upcoming demolitions. Ms. Houston said that she believed demolition information was not always posted on the website in a timely manner.

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Consent Items

Mayor Cooper read the following captions.

*Item # 3*      **CONSIDERATION OF A REQUEST BY THE ALAMO HEIGHTS HIGH SCHOOL BAND TO HOLD A 5K WALK/10K RUN ON MARCH 7, 2009, FROM 7:00 A.M. UNTIL NOON TO STAGE AND END AT THE ALAMO HEIGHTS ISD ADMINISTRATION OFFICE, 7101 BROADWAY**

*Item # 4*                              **ORDINANCE NO. 1804**

**CONSIDERATION OF AN ORDINANCE TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES, TRAFFIC, ARTICLE VI, TRAFFIC SCHEDULES, SECTION 18-147. SCHEDULE B – “STOP SIGNS” TO CREATE A FOUR-WAY STOP INTERSECTION ON ALTA AVENUE AT COLUMBINE STREET**

Staff recommendation was approval of each consent item. A motion was made by Mayor Pro Tem Jill Souter to approve consent items #3 and #4. Motion was seconded by Councilwoman Harwell and passed by unanimous vote.

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Items for Individual Consideration.

*Item # 5*      Mayor Cooper read the following caption to an Ordinance.

**ORDINANCE NO. 1805**

**AN ORDINANCE ORDERING A GENERAL ELECTION IN THE CITY OF ALAMO HEIGHTS, TEXAS, TO BE HELD ON THE 9<sup>TH</sup> DAY OF MAY, 2009, FOR THE ELECTION OF THE MAYOR AND TWO COUNCIL MEMBERS FOR PLACES ONE (1) AND TWO (2), AS PROVIDED BY THE CITY CHARTER, THE TERM OF SUCH OFFICES TO BE FOR TWO (2) YEARS TERMINATING WHEN THEIR SUCCESSORS ARE ELECTED AND QUALIFIED; PROVIDING THE DETAILS THEREFORE AND PROVIDING FOR A PROCLAMATION AND NOTICE OF SUCH GENERAL ELECTION AND DESIGNATING JACQUELYN F. CALLANEN, BEXAR COUNTY ELECTIONS ADMINISTRATOR, AS THE ELECTION OFFICER TO CONDUCT SAID ELECTION**

Mayor Pro Tem Souter inquired if voters are allowed to vote at one place on Election Day for the City and the Alamo Heights Independent School District (AHISD) elections. Jennifer Reyna, City Secretary, confirmed that voters are allowed to vote for both elections for the entities mentioned at one location.

Councilwoman Harwell inquired about the last date of candidate filing and Voting by Mail. Ms. Reyna stated Monday, March 9<sup>th</sup> is the last date of candidate filing and Ms. Jacquelyn F. Callanen will handle the Voting by Mail and applications are available via the Bexar County's Website. In addition, the City of Alamo Heights will obtain Voting by Mail applications to provide to citizens.

A motion for approval was made by Councilman Bill Kiel. The motion was seconded by Mayor Pro Tem Souter and passed by unanimous vote.

*Item # 6* Mayor Cooper read the following caption to an Ordinance.

#### **ORDINANCE NO. 1806**

**AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF A STANDARD WATER TOWER LICENSE AGREEMENT WITH AT&T MOBILITY, LLC FOR THE MAINTENANCE AND OPERATION OF UP TO NINE (9) ANTENNAS AND APPURTENANCES ON THE CITY'S 300,000 GALLON ELEVATED WATER TOWER LOCATED AT THE CITY HALL COMPLEX FOR AN ANNUAL LICENSE FEE OF \$92,700 PLUS AN ANNUAL INCREASE OF THREE PERCENT (3%) PER YEAR**

Councilman Rosenthal asked about the number of antennas involved in this agreement. Shawn Eddy, Assistant City Manager/Public Works Director, confirmed that the agreement approves up to 9 but 6 are currently in place. Mayor Pro Tem Souter inquired if there is a structural engineer's report when there is an increase of the number of antennas. Mr. Eddy confirmed that an engineer's report is required if there is a request to increase antennas.

Councilman Kiel asked if there are other providers, in addition to AT&T. Mr. Eddy confirmed that there are a total of five, the additional providers are: Verizon, Sprint Nextel and T-Mobile. Councilman Kiel inquired which provider will be up for renewal and timeframe. Shawn Eddy stated that Sprint Nextel on the 100,000 gallon, most likely prior to September 2011 and provided timelines on remaining renewals. Councilman McCormick asked Mr. Eddy if appropriate steps were taken to ensure that fair market value was reflected in the license agreement and Mr. Eddy responded affirmatively.

Mayor Pro Tem Souter expressed concern for the structural integrity of the water tower when all these antennas are placed on them. Mr. Eddy mentioned that there will not be antennas on the new 600,000 gallon water tower due to its proximity to the 300,000 gallon water tower. Mr. Eddy stated that the San Antonio Water System (SAWS) do not allow placement of antennas on their water towers. A large number of municipalities allow

the installation of telecommunication antennas to provide an additional revenue source for the City.

Councilman Kiel questioned why revenues go into the Utility Fund vs. General Fund. Mr. Eddy stated it is an option to discuss during the budget and the option to move to another fund.

A motion for approval was made by Councilwoman Harwell. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.

*Item # 7* Mayor Cooper read the following caption.

**A request for a demolition permit for 222 Primrose Place by Francis and Catherine Burzik, owners, represented by Chesney Morales & Associates, Inc., to demolish the existing two-story single family residence, the existing guest house and the existing detached five-car garage for the purpose of constructing a new two-story residence and attached garage on a property zoned Single Family - A**

Ann McGlone, Community Development Director, distributed additional incoming correspondence related to the demolition. Ms. McGlone presented background information on the case including plans, elevations, photographs and history. Ms. McGlone outlined the council's options for possible actions on this case. Staff recommended an additional 90-day delay.

Jamie Boerner, 727 Patterson Avenue, expressed concern over demolitions. In her opinion, 222 Primrose Avenue is a vintage house that needs enhancement, renovation, not demolition. Ms. Boerner is against this demolition.

Laura Theurer, 139 Wildrose Avenue, stated her concern that there is no real protection for historic houses. Ms. Theurer expressed her concern that the community of Alamo Heights is changing one demolition at a time.

Mayor Pro Tem Souter stated that council had approved previously a 90-day demolition delay. Mayor Pro Tem Souter commented that the owners are committed to building a new house, and were not at all interest in renovation or re-use of the existing structure. Currently, in our demolition ordinance, if the owner is totally opposed to negotiation or mediation, there are no other tools available to provide for options to demolition.

Councilwoman Harwell inquired about the 24 inch heritage pecan tree. Ms. McGlone referred to Mac Chesney of Chesney Morales and Associates, Inc. Mr. Chesney stated that he personally measured the tree and has an arborist report that is dated November 3, 2008. The arborist report certified the pecan tree is not 24 inches, but rather 21 ½ inches. Mr. Chesney displayed arborist report to City Council.

Councilwoman Harwell inquired if the arborist report needed to be submitted to the city and still considered for council consideration. Ms. McGlone stated that if the pecan tree is a heritage tree, one must submit a demolition permit and council should consider the

professional arborist's report. Ms. McGlone and the City Forester will go to the site to verify. Otherwise, the ordinance allows for the removal of non-heritage trees.

Councilman McCormick inquired about the location of the tree. Mr. Chesney replied that the tree is located is between the existing home and the garage.

Councilman Kiel reiterated that the powers to control a demolition are regulated by the State of Texas. Councilman Kiel stated that the Comprehensive Plan is designed to address demolitions and seek city-wide input. Councilman Kiel informed City Council that he has not received any communication regarding this demolition request.

Cynthia James, 130 College Boulevard, expressed concern about the trees, greenery, and drainage of the neighborhood. She questioned how the demolition will affect surrounding property.

Margaret Houston, 140 Patterson Avenue, inquired why the City of Alamo Heights was not able to protect heritage trees or have a heritage home inventory. Ms. Houston stated that the heritage of the community needs to be preserved. She asked if a cluster of trees with a combined diameter of 24 inches could be considered as one heritage tree.

Henrietta Hildebrand, 320 Primrose Place, stated she did not oppose the demolition; however, she is concerned with the drainage and traffic. She is requesting that the demolition start after the completion of the Castano project.

John Joseph, 206 Joliet Avenue, stated that at the Bexar County Appraisal value of the property will increase with construction of the new home. The increase will be reflected in the land value of all surrounding properties.

Councilwoman Harwell asked the citizens to wait for the Comprehensive Plan and to utilize our current tool, provide an additional 90-day delay. The upcoming Comprehensive Plan will provide guidance to Council for future changes to the code. There was discussion among councilmembers about the Comprehensive Plan, that it is designed to gather community input, taking into consideration state law. Councilman McCormick reviewed the genesis of the Demolition ordinance and its intent and concurred with Mayor Pro Tem Souter that additional citizen input will be obtained in connection with the Comprehensive Plan project.

A motion for approval of the demolition was made by Mayor Pro Tem Souter. The motion was seconded by Councilman Kiel. Motion carried: 4 Ayes, 1 Nay. Councilwoman Harwell voted nay.

*Item #8* Mayor Cooper read the following caption.

**A request for a demolition permit for 120 Wildrose Avenue by John and Susan Gaines, owners, represented by Richard Garrison, architect, to demolish the existing one-story single family residence and the existing detached single-car garage for the purpose of constructing a new two-story residence and detached garage on a property zoned Single Family – A**

Ms. McGlone presented background information on the case including plans, elevations, and photographs. Ms. McGlone outlined the City Council's options for possible actions on this case. This case had received variances from the Board of Adjustment. Staff recommended approval.

Councilwoman Harwell questioned why the proposed new construction needed variances. Ms. McGlone explained that the house is wider than what the ordinance allows and there is a small portion of the height looming standards that were also in violation.

Councilman Rosenthal asked how staff verified dimension when the proposed construction was so close to the maximums allowed. Ms. McGlone explained the survey verification process and included that certified surveys verified exactly what had been constructed.

Architect, Richard Garrison answered questions from councilmembers regarding the entrance of the proposed site. Mayor Pro Tem Souter reiterated that this case was presented to the Board of Adjustment and variances were granted. Ms. McGlone confirmed that there will be no additional variances.

Councilman McCormick inquired about the 23 inch magnolia tree. Mr. Garrison confirmed that the tree would have to be removed due to the roots being right under the surface and would be damaged during construction. Mayor Pro Tem Souter asked if a magnolia tree is considered a heritage tree. Ms. McGlone stated that a magnolia tree is considered a heritage tree if it is larger than 24 inches.

James Williams, 302 Rosemary Avenue, questioned the reasoning of establishing criteria and then granting variances. Councilman Kiel stated that State laws require that there be a Board of Adjustments to review requests for variances. When determining the need for a variance, the Board of Adjustment takes into consideration special circumstances and conditions and makes decisions on a case by case basis.

Councilwoman Harwell questioned when the house was built. Mr. Garrison estimated the year of 1925 or 1926.

A motion for approval was made by Mayor Pro Tem Souter. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

*Item # 9* Mayor Cooper read the following caption.

**A request for a demolition permit for 111 Inslee Avenue by Edward Hernandez, owner, represented by DeWitt Architects, to demolish 100% of the roof, 86% of the walls of an existing one-story single family residence and complete demolition of an existing single car garage for the purpose of constructing a new two-story residence and detached garage on a property zoned Single Family – A**

Ms. McGlone made a PowerPoint presentation that provided background information on the case including plans, elevations, and photographs. Ms. McGlone

outlined the City Council's options for possible actions on this case. Staff recommended approval.

Thomas Harmon, 130 College Boulevard, expressed concern with the construction of the two-story residence. Mr. Harmon stated that the proposed construction is not compatible due to the other homes being only one-story. Mr. Harmon fears that the neighborhood will change and two-story homes will be the trend. Mr. Harmon is also concerned with privacy.

Cynthia James, 130 College Boulevard, commented that she is aware of the limited area of the lot and that the residence should stay a one-story. Ms. James is aware of two to four elderly residents in the area that will be affected by the increase of taxes if the property values go up because of the construction of this larger house. Ms. James also expressed concern regarding the trees on the property and whether they would remain.

There was discussion among the councilmembers regarding the design of the residence, its adjacency to a commercial property and the fact that an investment is being made in the neighborhood. Councilmembers Harwell and Kiel discussed encouraging larger one-story residences on the smaller lots, to discourage the two-story option. Councilman Kiel mentioned perhaps there may be incentives for residences to stay as one-story, associated with the Comprehensive Plan.

Peter DeWitt, representing DeWitt Architects, reported that there will be an attempt to save or replace the neighborhood trees, but there may be a need to meet with city staff for final action of the trees.

Councilwoman Harwell inquired about the 14% of the walls that are being saved. Mr. DeWitt stated that the wall line is being reused as well as the foundation. Mayor Pro Tem Souter asked Peter DeWitt about any drainage problems. At the time of purchase, the foundation was raised 12 inches to address the drainage problems. Mr. Peter DeWitt confirmed that engineering report shows that the drainage, run-off to adjacent properties, will be less than current conditions.

Councilman Rosenthal reiterated to Mr. DeWitt that the height and lot is maximized, construction needs to be built to the exact dimensions presented.

Councilwoman Harwell asked if this request required variances. Ann McGlone confirmed that no variances were required. The applicant worked with staff to modify the plans and elevations so that no variances were needed.

A motion for approval was made by Councilman Kiel. The motion was seconded by Councilwoman Harwell and passed by unanimous vote.

*Item # 10* Mayor Cooper read the following caption.

**A request for a demolition permit for 201 Argyle Avenue by Carlos and Victoria Roca, owners, represented by Adam Kimble of Imagine Home, L.T.D., to demolish the existing two-story single family residence and the existing attached garage for the purpose of constructing a new two-**

**story residence and attached garage on a property zoned Single Family  
-- A**

Ms. McGlone made a PowerPoint presentation that provided background information on the case including plans, elevations, photographs and history. Ms. McGlone outlined the City Council's options for possible actions on this case. Staff recommended approval.

Carlos and Victoria Roca expressed their intention of making all improvements without any variances. Mr. Roca stated that during the process, three key issues surfaced: house had aluminum wiring, plumbing design problems and structural issues when they tried to combine some of the smaller rooms to make larger open spaces. It was more cost efficient to demolish existing residence and construct a new residence. The Roca family are keeping the 40-year old red oak and 2 heritage trees on the property. Mr. and Ms. Roca invited their neighbors to the house to present the proposed new ecofriendly residence residential design. They had tried for 6 months to make the existing house work.

There was discussion among councilmembers that adjustments need to be made to the F.A.R. code taking into consideration different lots configurations.

Mayor Cooper complimented the Rocas for the approach that was taken to communicate and collaborate with neighbors on the demolition request. Councilman McCormick, as a close neighbor, attended the meeting and concurred with Mayor Cooper that the Rocas displayed sensitivity and a neighborly attitude with respect to the project. Councilwoman Harwell also complimented the Rocas and inquired about any variances. Mr. Carlos Roca confirmed that there are no variances.

Mayor Pro Tem Souter and Councilman Kiel received feedback from the neighbors regarding the invited event that the Rocas hosted. Councilmembers noted the good approach in communication with neighbors.

Mayor Pro Tem Souter shared information from her last Alamo Area Council of Government (AACOG) meeting. There was a presentation about building green. There is a company in San Antonio that will come on site to recycle metal and wood. Making a trip to the landfill is unnecessary. Mayor Pro Tem Souter offered the city to provide this information for future demolitions.

A motion for approval was made by Councilman Rosenthal. The motion was seconded by Mayor Pro Tem Souter and passed by unanimous vote.

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Staff Reports

Mayor Cooper moved to the City Manager's Report.

*Item #13* City Manager's Report

- a. Introduction of Staff – Harry “Buddy” Kuhn, new Assistant Fire Chief



Bill Hagendorf, Fire Chief, introduced Harry "Buddy" Kuhn; the new Assistant Fire Chief. Mr. Kuhn was the Assistant Fire Chief for the City of Terrell Hills for 10 years and served as the Emergency Management Coordinator. Chief Hagendorf spoke on behalf of City Manager Rebecca Waldman, stating that the City of Alamo Heights is fortunate to have Mr. Kuhn join the city. Mr. Kuhn has strong leadership qualities and a budget background. Chief Hagendorf stated that he and the Fire Fighter Community have great respect for Mr. Kuhn. Mr. Kuhn stated that he is knowledgeable of the community. He appreciated the opportunity and looks forward to working with everyone. The City Council welcomed Mr. Kuhn.

b. Update on the Design Workshop for the Comprehensive Plan

Ann McGlone, Community Development Director, gave an update on the Design Workshop that took place on Saturday, January 17, 2009. Attendance by the community was high: 93 citizens, 30 design professionals, board and commission members, city council and city staff. Citizens explored options and possibilities regarding 10 themes that were identified as a result of the input received at the fall neighborhood meeting.

Councilwoman Harwell concurred that there was good attendance at the workshop. All the board and commissions were represented.

Councilman McCormick did observe the respect for each other and the open-mindedness of the attendees. Councilman Kiel agreed.

This item will be presented again at the Monday, February 9, 2009 City Council Meeting per request of the City Council.

Mayor Cooper recognized Ann McGlone for being selected to serve on a peer panel advisory board in Boulder, Colorado for design guidelines. Ms. McGlone shared her experience. The City Council congratulated Ms. McGlone.

Mayor Pro Tem Souter mentioned to the City Council that Ann McGlone was on the Advisory Council for Historic Preservation. Ann McGlone stated that the members of the council are appointed by the President. At the December Meeting, the Advisory Council for Historic Preservation (ACHP) invited the National Alliance of Preservation Council (NAPC) to be represented. Ms. McGlone chairs the NAPC and will serve on the ACHP until the end of her term. The City Council congratulated Ms. McGlone on this honor.

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Mayor Cooper moved to return to Items of Individual Consideration.

*Item #11* Mayor Cooper read the following caption to an Ordinance.

**ORDINANCE NO. 1807**

**AN ORDINANCE AUTHORIZING AN EXPENDITURE OF  
\$15,750.00 FROM THE UNRESERVED GENERAL FUND TO PAY**

**FOR SERVICES OF BARTLETT TREE EXPERTS IN  
CONJUNCTION WITH THE TREE CANOPY PRESERVATION  
PROGRAM FOR SERVICES RENDERED WITHIN THE SYLVAN  
HILLS NEIGHBORHOOD**

Ann McGlone made a presentation on the new Tree Canopy Preservation Program and the need to protect our trees from damage caused by large vehicles. Damaged trees are susceptible to disease and infestation.

Mayor Cooper believed there has been a loss of trees due to injuries. There was discussion among the councilmembers.

Ms. McGlone will send notifications to the neighborhood regarding the Tree Canopy Preservation Program and the City's intent to raise the tree canopy over streets to the height required by ordinance.

Mayor Pro Tem Souter inquired what is the outcome if a resident says they want to do the work and then does not. Ann McGlone stated that the City will raise the canopy.

Councilwoman Harwell stated that the Sylvan Hills Neighborhood is a good choice for the pilot program. Councilman Kiel stated that Sylvan Hills and Bluebonnet Hills Neighborhoods have alleys and no utility lines. Councilman Kiel inquired about the timeframe for when to be implemented into other neighborhoods and at what cost. Ms. McGlone proposed to come back in March for bids and propose a line item in this upcoming budget for ongoing maintenance. The goal is to have all the canopies raised by June 1, 2009.

Councilman McCormick requested that staff ask Bartlett Tree Company about possible damage caused by the moss on trees, particularly on La Jara Boulevard. Ann McGlone will ask Bartlett Tree Company and consult with the City Forester.

Margaret Houston, 140 Patterson, stated the elm tree at 202 Elmview was the tree the street was named for. Ms. Houston suggested the city apply for a grant to identify heritage trees. Ms. Houston commented that protection is needed for clusters that provide a canopy. She stated that there is a tree being cut down on Primrose Avenue. Shawn Eddy confirmed that clusters are not protected by our ordinance unless they come from the same trunk. The canopy located on Primrose Avenue is a cluster of different trees. There was discussion among the councilmembers to look into addressing clusters or canopy.

Ms. Houston commented about the City Public Service tree cutting. Ms. Houston expressed that city personnel should be supervising the tree trimming. She expressed concern on the right of way trimming, identifying heritage trees and the consideration of cluster trees or multi-trunk trees. The councilmembers agreed that the City needs to take an active stand. Ms. Houston also mentioned that Officer Angel Acuna is very ill.

A motion for approval was made by Councilwoman Harwell. The motion was seconded by Councilman Kiel and passed by unanimous vote.

*Item #12* Mayor Cooper read the following caption to a Resolution.

**RESOLUTION NO. 2009R-001**

**AN AMENDED RESOLUTION SEEKING SUPPORT FOR AN  
AMENDMENT TO THE TEXAS TRANSPORTATION CODE  
THAT WILL ALLOW CITIES UNDER 10,000 POPULATION TO  
LOWER SPEED LIMITS IN URBAN AREAS TO NOT LESS THAN  
25 MILES PER HOUR**

Rick Pruitt, Police Chief, made a PowerPoint Presentation on the amended resolution. Councilman McCormick asked about the parking restrictions. Police Chief Pruitt stated the Texas Transportation Code will not allow the municipality to lower the speed limits for streets that have parking restrictions on one or both sides of a street. Councilman Kiel stated that all streets have parking restrictions due to the 2 a.m. - 5 a.m. parking restriction.

Mayor Pro Tem Souter stated that the proposed resolution was presented to the Texas Municipal League (TML) Resolution Committee. The City of San Antonio Councilmembers Sheila McNeil and John Clamp presented a motion but the City of Houston expressed concern that it excluded big cities.

Councilman Rosenthal asked if there are other cities that have similar concerns. Mayor Cooper stated that there are other cities. Councilman Kiel suggested 25 miles per hour. Councilwoman Harwell presented 15-20 miles per hour.

Mayor Pro Tem Souter mentioned that she contacted other TML cities that are in support of this amendment. The fear among the cities is that citizens will ignore school zones if the speed limit is too low. Police Chief Rick Pruitt commented that the Texas Department of Public Safety and the Department of Transportation have confirmed the school zone issue. Mayor Pro Tem Souter stated that perhaps it may take a few sessions to introduce.

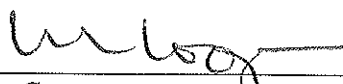
A motion for approval was made by Mayor Pro Tem Souter. The motion was seconded by Councilman Rosenthal and passed by unanimous vote.


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There being no further business, the Mayor called for a motion to adjourn the regular City Council Meeting. Councilwoman Harwell made a motion to adjourn, seconded by Councilman Kiel and unanimously approved. Mayor Cooper adjourned the meeting at 9:09 p.m.

  
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Louis Cooper  
Mayor

  
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Jennifer Reyna, TRMC  
City Secretary